

REMARKS

Claims 1-8, 10, and 78-91 are pending. Claims 1, 78, and 85 are amended.

The Examiner rejected claims 1, 78, and 85 under 35 U.S.C. § 112 indicating that certain language was not supported in the specification. Although Applicant disagrees, Applicant has amended the claims to address the Examiner's concern. The claims as amended recite "wherein various programmers can provide registerable telephony services using terminal objects that rely on the telephony API." Programmers using an API to access functionality is described in the specification, "programmers developing such programs do not have to develop their own code to provide this functionality." Specification, p.2:10-12. Terminal objects are described throughout the specification, for example, "[t]he terminal object 204 is a type of media control object." Specification, p. 10:22. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

The Examiner rejected claims 1-4, 6-8, and 78-91 under 35 U.S.C. § 102(e) over Monaco (U.S. Patent No. 6,314,402), and claims 5 and 10 under 35 U.S.C. § 103(a) over Monaco in view of Ram (U.S. Patent No. 6,625,258). Applicant respectfully disagrees.

Applicant respectfully submits that the Examiner cannot rely on Monaco because this application's parent application pre-dates Monaco and discloses everything in Monaco that the Examiner relies upon in rejecting these claims. Monaco was filed April 23, 1999, and does not claim priority to any other applications. Applicant filed the present application April 24, 2000, which claims priority to U.S. Patent No. 6,343,116 filed September 21, 1998 ("the Parent"). The '116 patent was thus filed before Monaco. To predate a reference, it is only necessary that an applicant show prior conception of as much as is taught by the reference:

The test is whether the facts...are such as would persuade one skilled in the art that the applicant possessed so much of the invention **as is shown in the reference** or activity. *In re Schaub*, 537 F.2d 509, 190 USPQ 324 (CCPA 1976).

M.P.E.P. § 715.03(I)(B) (emphasis added). The following table shows the elements of claim 1 and the applicable disclosures of the parent application, as well as the section of Monaco relied upon by the Examiner for teaching each element.

Element	Parent	Monaco
[a]n enhanced interactive voice response system		
a call router to route an internet protocol telephony call	<p>"When used in a LAN-networking environment, the computer 20 is connected to the local network 51 through a network interface or adapter 53, which is one type of communications device. When used in a WAN-networking environment, the computer 20 typically includes a modem 54, a type of communications device, or any other type of communications device for establishing communications over the wide area network 52, such as the Internet. The modem 54, which may be internal or external, is connected to the system bus 23 via the serial port interface 46. In a networked environment, program modules depicted relative to the personal computer 20, or portions thereof, may be stored in the remote memory storage device. It is appreciated that the network connections shown are exemplary and other means of and communications devices for establishing a communications link between the computers may be used." (Parent, col. 4:38-52)</p>	<p>"Also coupled to the bus system 9 are a conventional telephone (POTS) interface 14, a display device 15, a number of different input devices 16 and 17, and a data communication device 18. The telephone interface 14 includes the hardware that connects the computer system 1 to the telephone line 8 to provide a voice interface with a telephone caller. The telephone interface 14 provides functions such as analog-to-digital (A/D) conversion, and may also provide echo cancellation, and other types of signal conditioning, as well as a voice activity detector (VAD) (sometimes referred to as an "endpointer") function for determining the temporal boundaries of a telephone caller's speech. Alternatively, some or all of these functions may be implemented in software executed by the CPU 10. Note that devices which perform these functions are well-known in the art and are commercially available. Note also that certain embodiments may not require the telephone interface 14; for example, an embodiment of the IVR system which uses an Internet Protocol (IP) telephony, or Voice-over-IP (VoIP), interface with the speaker, may use data</p>

		communication device 18 to receive audio data from the speaker, rather than the telephone interface 14." (Monaco, col. 6:26-47)
an interactive voice response application to receive the Internet protocol telephony call from the call router	"The architecture includes a TAPI application 300, the TAPI 302, a telephony server 304, a telephony service provider 306, a media stream provider 308, and a terminal manager 310. The TAPI application 300 is a computer program that utilizes the functionality provided by the TAPI 302. That is, the TAPI application 300 is any type of computer program that utilizes the TAPI 302, through which the application is able to access telephony call control and media control functionality provided by the TAPI 302." (Parent, col. 4:18-26)	"The platform adapter 47 enables the speech-enabled application 46 in the IVR platform 45 to utilize the Speech Objects 42. The details of the API 48 are not germane to the present invention. However, the API 48 may be assumed to be any appropriate API that is specific to the application 46 and which enables communication between the application 46 and other components on the LAN 32, such as the recognition server 35." (Monaco, Fig. 12, col. 19:25-32)
a telephony API used by the application to form a connection with a caller and control a media stream transmitted over the connection by selecting a terminal object from among a group of registered terminal objects adhering to a uniform interface, each providing specific functionality to process the media stream, wherein various vendors can provide pluggable communications services using terminal objects	"The TAPI 302 in one embodiment has an interface that defines how the provider 308 communicates with the terminal manager 310. This interface allows any provider 308 (there may be more than one provider 308, although for purposes of clarity only one is shown in FIG. 3) to query the manager 310 for the devices that are represented as terminal or media control objects. The interface also allows the provider 308 to determine from the manager 310 how to include these devices within media streams that the provider 308 is to set up. Therefore, the manager 310 allows any provider 308 to access the same set of terminal or media control objects, and use them with any telephony hardware." (Parent, col. 7:1-12)	"In at least one embodiment, there are four phases associated with the SOP. As shown in FIG. 13, these phases are: 1) connection establishment, 2) session establishment, 3) invocation of a Speech Object, and 4) execution of the Speech Object (blocks 1301 through 1304, respectively)." (Monaco, Fig. 13, col. 20:60-64)

Therefore, the parent application shows at least as much as the relied-upon teachings of Monaco. Accordingly, the Examiner cannot rely on Monaco to reject these claims. Thus, Applicant respectfully requests that these rejections be withdrawn.

Based upon these remarks and amendments, Applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3265. Applicant believes all required fees are being paid in connection with this response. However, if an additional fee is due, please charge our Deposit Account No. 50-0665, under Order No. 418268887US2 from which the undersigned is authorized to draw.

Dated:

8/30/2006

Respectfully submitted,

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